
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

JOSEPH EARL SMITH,

§

Plaintiff,

§

versus

§

CIVIL ACTION NO. 1:05-CV-209

MARVIN MORRISON, *et al.*,

§

Defendants.

§

**MEMORANDUM ORDER ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Joseph Earl Smith, proceeding *pro se* and *in forma pauperis*, filed the above-styled civil rights lawsuit.

The court referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge concerning this matter. The magistrate judge recommends this lawsuit be dismissed for failure to state a claim upon which relief may be granted.

The court has received the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. No objections were filed to the magistrate judge's Report and Recommendation.

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered dismissing this lawsuit.

SIGNED at Beaumont, Texas, this 13th day of February, 2008.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE